

## Message Text

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FOR ASST SEC MOOSE

FOLLOWING REPEAT PRETORIA 4383 ACTION SECSTATE USUN NEW YORK  
INFO LONDON BONN OTTAWA PARIS LUSAKA MAPUTO DAR ES SALAAM  
GABORONE LAGOS JULY 31.

QUOTE: LIMITED OFFICIAL USE PRETORIA 4383

E.O. 11652: N/A  
TAGS: PDEV WA SF  
SUBJECT: SOUTH AFRICAN RESPONSE TO SECURITY COUNCIL RESOLUTION

1. FOLLOWING RECEIVED FROM SOUTH AFRICAN MINISTRY OF FOREIGN  
AFFAIRS EMBARGOED UNTIL 2100Z:  
QUOTE

YOUR EXCELLENCY

I HAVE THE HONOUR TO REFER TO MY STATEMENT IN THE SECURITY  
COUNCIL ON 27 JULY 1978 IN WHICH I SET OUT MY GOVERNMENT'S  
POINT OF VIEW IN RESPECT OF SECURITY COUNCIL RESOLUTIONS  
431 AND 432 DATED 27 JULY 1978.  
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PAGE 02 STATE 193284

I WISH TO REITERATE THAT THE SOUTH AFRICAN GOVERNMENT  
COMPLETELY REJECTS RESOLUTION 432 AND CONSIDERS IT TO BE  
DEVOID OF ANY LEGAL OR FACTUAL BASIS. I ALSO WISH TO REAFFIRM,  
ON BEHALF OF MY GOVERNMENT, THAT WE WILL NOT BE PREPARED TO  
NEGOTIATE WITH ANYBODY ON THE BASIS OF SECURITY COUNCIL  
RESOLUTION 432.

I ALSO WISH TO BRING TO YOUR ATTENTION THE TEXT OF A STATEMENT  
MADE BY THE SOUTH AFRICAN PRIME MINISTER ON 28 JULY 1978:

"WALVIS BAY IS SOUTH AFRICAN TERRITORY AND NO DECISION  
BY THE UNITED NATIONS OR ANY OTHER BODY CAN DEPRIVE SOUTH  
AFRICA OF IT. IN FACT, ONLY A DECISION BY THE SOUTH AFRICAN  
PARLIAMENT CAN BRING ABOUT CHANGE TO THE STATUS AND POSITION  
OF THE TERRITORY OF WALVIS BAY.

THE DECISION BY THE SECURITY COUNCIL THUS HAS NO FORCE OF  
LAW AND THE GOVERNMENT CANNOT ALLOW THAT IT BE DICTATED TO AS  
TO WHAT IT SHOULD DO WITH ITS PROPERTY OR HOW IT SHOULD BE  
CONTROLLED OR ADMINISTERED.

TO HAVE NEGOTIATIONS WITH A FRIENDLY GOVERNMENT IN SOUTH  
WEST AFRICA ABOUT THE HARBOUR AND ITS USE IS ONE MATTER WHICH  
SPEAKS FOR ITSELF, BUT TO MAKE DEMANDS AND TO LINK THESE  
DEMANDS TO A SETTLEMENT IN SOUTH WEST AFRICA IS ANOTHER MATTER  
WHICH THE GOVERNMENT REJECTS UNCONDITIONALLY."

THE ACTION OF THE FIVE WESTERN POWERS IN THE SECURITY COUNCIL  
IN SUPPORTING THE RESOLUTION IN QUESTION HAS SHOCKED MY  
GOVERNMENT. IN THIS REGARD I WISH TO DRAW YOUR ATTENTION ONCE  
MORE TO THAT PART OF MY STATEMENT SETTING OUT THE UNDERSTANDING  
REACHED BETWEEN MY GOVERNMENT AND THE FIVE WESTERN POWERS ON  
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PAGE 03 STATE 193284

WALVIS BAY. THROUGHOUT THE NEGOTIATIONS LEADING TO MY  
GOVERNMENT'S ACCEPTANCE OF THE WESTERN PROPOSAL, THE FIVE  
ACKNOWLEDGED THAT WALVIS BAY WAS NOT PART OF SOUTH WEST AFRICA.  
THEY ALLUDED MERELY TO THE POSSIBILITY THAT A CONTROVERSY MIGHT  
ARISE ABOUT THE ISSUE AT SOME FUTURE STAGE. THEY ACKNOWLEDGED  
THAT THEY WERE NOT AT ALL ARGUING ABOUT THE POLITICAL AND LEGAL  
SITUATION IN RESPECT OF WALVIS BAY. THEY WERE NOT ADDRESSING  
THE MERITS OF THE CASE. ON VARIOUS OCCASIONS MY PRIME MINISTER  
ALSO INFORMED THE REPRESENTATIVES OF THE FIVE THAT THE INTRO-  
DUCTION OF THE WALVIS BAY ISSUE INTO THE PROPOSAL WOULD LEAD  
TO THE IMMEDIATE TERMINATION OF THE NEGOTIATIONS. THE FIVE  
MORE THAN ONCE GAVE ASSURANCES THAT IT WAS NOT THEIR INTENTION  
TO ADDRESS THEMSELVES TO THE POLITICAL OR LEGAL ASPECTS OF  
THE MATTER.

THAT WAS REAFFIRMED BY THEIR ABSTENTION ON GENERAL ASSEMBLY  
RESOLUTION 32/9D OF 4 NOVEMBER 1977, DECLARING THAT WALVIS  
BAY IS AN INTEGRAL PART OF SOUTH WEST AFRICA.

DURING THE TALKS IN NEW YORK IN FEBRUARY OF THIS YEAR IT  
WAS PROPOSED TO DISPOSE OF THE QUESTION OF WALVIS BAY IN A  
PARAGRAPH STATING THAT ACCEPTANCE OF THE PROPOSAL WOULD IN NO

WAY PREJUDICE THE TERRITORIAL CLAIM OF ANY PARTY.  
AT MY INSISTENCE IT WAS AGREED TO DELETE EVEN THIS IMPLIED  
REFERENCE TO THE QUESTION OF WALVIS BAY.  
THE FIVE WESTERN GOVERNMENTS AGAIN STATED THEIR POSITION,  
BOTH IN THE GENERAL ASSEMBLY ON 25 APRIL AND TO US, AS  
FOLLOWS: "ALL ASPECTS OF THE QUESTION OF WALVIS BAY MUST  
BE SUBJECT TO DISCUSSION BETWEEN THE SOUTH AFRICAN GOVERN-  
MENT AND THE ELECTED GOVERNMENT OF NAMIBIA". THERE IS NO  
ROOM FOR ANY DOUBT. THE LANGUAGE IS CLEAR.

IN THE EVENT, THE FINAL PROPOSAL CONTAINED NO REFERENCE  
AT ALL TO WALVIS BAY. NOR, I MAY ADD, DID SECURITY COUNCIL  
RESOLUTION 385 (1976), WHICH HAS THROUGHOUT FORMED THE BASIS OF  
OUR NEGOTIATIONS AND THE FINAL PROPOSAL.  
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PAGE 04 STATE 193284

MY GOVERNMENT HAS CAREFULLY STUDIED AND CONSIDERED THE  
EXPLANATION OF VOTE IN THE SECURITY COUNCIL ON 27 JULY 1978  
BY THE UNITED STATES SECRETARY OF STATE MR VANCE ON BEHALF OF  
THE FIVE WESTERN POWERS AS WELL AS COMMUNICATION RECEIVED  
FROM THEM ON THE ISSUE OF WALVIS BAY.

WHILE WE CANNOT AGREE WITH THEIR JUSTIFICATION FOR INTRO-  
DUCING THE WALVIS BAY ISSUE AT ALL MY GOVERNMENT HAS TAKEN NOTE  
OF CERTAIN CLARIFICATIONS INTER ALIA THAT THEY DO NOT REGARD  
THIS SUBJECT AS PART OF THEIR SETTLEMENT PROPOSAL AND THEY  
EMPHASIZE THAT THE RESOLUTION DOES NOT ADDRESS ITSELF TO THE LEGAL  
STATUS OF WALVIS BAY, NOR DOES IT, IN ANY WAY, PREJUDICE  
SOUTH AFRICA'S LEGAL POSITION.

ACCORDING TO THE FIVE THE "STEPS NECESSARY" REFERRED TO IN  
OPERATIVE PARAGRAPH 2 OF RESOLUTION 432, MEANS NEGOTIATION  
AND DO NOT SEEK TO COERCE ANY PARTY. FURTHERMORE, IT IS  
STRESSED, THE TREATMENT OF WALVIS BAY IS IN A FUTURE CONTEXT  
AND THERE IS NO TIMETABLE - THE FUTURE OF WALVIS BAY CAN ONLY  
BE DETERMINED IN DISCUSSION BETWEEN THE SOUTH AFRICAN GOVERNMENT  
AND THE FUTURE GOVERNMENT OF SOUTH WEST AFRICA.

IN THE LIGHT OF WHAT HAS HAPPENED, TWO ASPECTS HAVE TAKEN  
ON SPECIAL SIGNIFICANCE IN THE DELIBERATIONS OF THE SOUTH  
AFRICAN GOVERNMENT, NAMELY -

- (A) THE ISSUE OF WALVIS BAY; AND
- (B) THE IMPLEMENTATION OF THE PROPOSAL.

I HAVE ALREADY SET OUT THE SOUTH AFRICAN  
GOVERNMENT'S POSITION ON WALVIS BAY. BEARING IN MIND THE MANNER  
IN WHICH THIS ISSUE HAS BEEN DRAGGED INTO THE AMBIT OF THE  
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PAGE 05 STATE 193284

PROPOSAL, THE SOUTH AFRICAN GOVERNMENT IS DEEPLY CONCERNED THAT THE LETTER AND SPIRIT OF THE PROPOSAL WOULD NOT BE OBSERVED AND IMPLEMENTED BY SOME OF THE PARTIES. ACCORDINGLY THE SOUTH AFRICAN GOVERNMENT WOULD WISH TO SATISFY ITSELF THAT THE LETTER AND SPIRIT OF THE PROPOSAL WILL INDEED BE HONoured, SUCH AS THOSE PROVISIONS CONCERNING THE MAINTENANCE OF LAW AND ORDER, THE PRESENCE OF SOUTH AFRICAN FORCES AND THE FUNCTIONS, DEPLOYMENT, SIZE AND COMPOSITION OF UNITED NATIONS MILITARY PERSONNEL AND OBSERVERS, AS WELL AS THE COMMITMENT THAT THE ELECTIONS WOULD BE HELD BEFORE THE END OF 1978.

IN SPITE OF OUR MISGIVINGS FLOWING FROM THE CIRCUMSTANCES SET OUT ABOVE, THE SOUTH AFRICAN GOVERNMENT AS WELL AS THE ADMINISTRATOR-GENERAL OF SOUTH WEST AFRICA, WOULD BE WILLING TO RECEIVE YOUR SPECIAL REPRESENTATIVE AND TO AWAIT HIS SUBSEQUENT REPORT ON THE MANNER IN WHICH HE, IN HIS CAPACITY AS YOUR SPECIAL REPRESENTATIVE, ENVISAGES THE IMPLEMENTATION OF THE PROPOSAL, WHICH WE ON OUR PART ACCEPTED IN GOOD FAITH ON 25 APRIL LAST. ON RECEIPT OF HIS REPORT THE SOUTH AFRICAN GOVERNMENT WILL DECIDE WHETHER HIS RECOMMENDATIONS ARE INDEED IN ACCORDANCE WITH THE PROPOSAL.

PLEASE ACCEPT, YOUR EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION.

R F BOTHA  
MINISTER OF FOREIGN AFFAIRS.

PRETORIA  
31 JULY 1978.  
UNQUOTE  
EDMONDSON UNQUO

## Message Attributes

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